



03-24-04

PATENT OFFICE

Attorney's Docket No.: 06275-283US1 / Z70673

#13

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Derek Shaw et al. Art Unit : 3763  
Serial No. : 09/936,859 Examiner : Kevin C. Sirmons  
Filed : November 15, 2001  
Title : AUTOMATICALLY OPERABLE SAFETY SHIELD SYSTEM FOR SYRINGES

**Mail Stop Patent Extension**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Patentees hereby request that the Patent Term Adjustment for the above-identified U.S. patent be reconsidered. It is Patentees' belief that the Patent Term Adjustment on the Notice of Allowance set at 98 days as stated is incorrect and that the Patent Term Adjustment for which the above-identified patent is entitled is 133 days. This request is proper in that it is submitted before payment of the issue fee.

Under 37 CFR § 1.702, the grounds for reconsideration of patent term adjustment include examination delays under the Patent Term Guarantee Act of 1999. The United States Patent and Trademark Office failed to mail the Notice of Allowance within four months after the date in which the Office received Patentees' response to Office Action.

**RECEIVED****MAR 30 2004****OFFICE OF PETITIONS**

03/25/2004 CNGUYEN1 00000006 09936859

01 FC:1455

200.00 OP

## CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 304818915 US

March 22, 2004

Date of Deposit

The relevant dates as specified in § 1.703(a) through (e) for which the adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled is as follows:

Application Filed	November 15, 2001
First Action	April 23, 2003
Applicant's Reply	July 24, 2003
Notice of Allowance	December 30, 2003

Adjustment (positive):

14/4/4/4	98 days (between November 15, 2001 and April 23, 2003)* 36 days (between July 24, 2003 and December 30, 2003)*
3-year	No adjustment
Interference	No adjustment
Secrecy Order	No adjustment
Appeal	No adjustment

\*Periods overlap, total adjustment = **134 days**

Reductions:

Reply outside 3 months (Reply to Office Action)	1 day (between April 23, 2003 and July 24, 2003)*
--	--

\*Periods overlap, total reduction = **1 day**

Patent Term Adjustment: 134 days – 1 day = **133 days**

The above-identified patent is not subject to a terminal disclaimer.

It is understood that there were no circumstances within this case history that constitute a failure by the Patentees to engage in reasonable efforts to conclude processing or examination of the above-identified application as set forth in 37 CFR § 1.704.

Based on the foregoing, Patentees request that the Patent Term Adjustment on this patent be adjusted to 133 days.

Applicant : Derek Shaw et al.  
Serial No. : 09/936,859  
Filed : November 15, 2001  
Page : 3 of 3

Attorney's Docket No.: 06275-283US1 / Z70673

Enclosed is a check in the amount of \$200 for the fee required under 37 CFR §1.18(e).  
Please apply any charges or credits to Deposit Account No. 06-1050, referencing attorney-docket  
no. 06275-283US1.

Respectfully submitted,

Date: \_\_\_\_\_

*Nov 22, 2004*

\_\_\_\_\_  
William E. Booth  
Reg. No. 28,933

*William E. Booth*

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906